

# Notice of Allowability

## Application No.

10/018,473

## Examiner

Taylor Victor Oh

## Applicant(s)

HEITZ ET AL..PN.

## Art Unit

1625

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/13/04.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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The finality of previous Office Action has been withdrawn.

### Reasons for Allowance

#### The Status of Claims

Claims 1-10 are pending.

Claims 1-10 have been allowable.

1. The following is an examiner's statement of reasons for allowance:

- The close reference for the current invention is Braune (U.S. 5,854,377).

Braune discloses a preparation of polybutylene terephthalate in the following example:

- a. feeding 1.84 mol of terephthalic acid and 3.68 mol of 1,4-butanediol, 30 ppm of tetrabutyl orthotitanate into the first zone at a temperature of 245<sup>0</sup> C and a pressure of 0.85 bar;
- b. moving the product into the second zone in which the reaction temperature is 260<sup>0</sup> C and the pressure, 0.40 bar;
- c. transferring the product into the third zone in which the reaction temperature is 270<sup>0</sup> C and the pressure, 0.20 bar.

Furthermore, the precondensate at a temperature of 280<sup>0</sup> C was transferred into a postcondensation reactor (step C) . In addition, the polycondensate obtained has an acid number of from 25 to 30 meq /kg of PBT. Also, with a conversion of > 95 %, the esterification product was introduced to the base of a tube bundle reactor .

However, the instant invention differs from the reference in that the claimed temperature does not increase along the reactor cascade in stage a), whereas that of the prior art increases along the reactor cascade; the claimed conversion at the stage a) is > 97 %; furthermore, there is an unexpected result regarding the reduction of by-products under the condition that the claimed temperature does not increase along the reactor cascade in stage a): in table 1 (page 12 of the specification), when Comp.1 (the prior art Braune (U.S. 5,854,377) is compared with the instant invention, the by-product resulted from the prior art is 0.036, whereas the by-product resulted from the current invention is in the range of from 0.009 to 0.018. In addition, unless all limitations of the claims are met, there is no prior art rejection. See In re Zurko 59 USPQ 2d 1690 (Fed Cir. 1991) and In re Lee, 61 USPQ 1430 (Fed Cir. 1991).

Therefore, the claimed invention would not have been obvious to the person with an ordinary skill in the art.

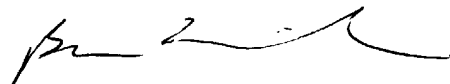
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*6/24/04*



**BA K. TRINH**  
**PRIMARY EXAMINER**  
**GROUP 1200** *1625*